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June 28, 2002

The Honorable Brian Porter
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Porter:

On this date I have signed the following bill passed by the first session of the Twenty-second Alaska State Legislature and am transmitting the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

CONFERENCE CS FOR HOUSE BILL NO. 404

"An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date."

Chapter No. 95, SLA 2002

The FY2003 budget will continue to provide services to Alaska's mental health trust beneficiaries. One capital project this year, Crisis Respite Facility Replacement Phase 1, relates to the construction of the new Alaska Psychiatric Institute. Since the new API requires the demolition of the existing facility, it is important we replace the facility that provides these vital crisis respite services to beneficiaries.

I have made no changes to the dollar amounts in the comprehensive mental health budget bill passed by the Legislature. I would note that under the Alaska Supreme Court's decision in *Alaska Legislative Council v. Knowles*, 21 P.3d 367 (Alaska 2001) a governor may not veto intent or other language even if that language is unconstitutional. Therefore, the fact that these language provisions remain in the bill should not necessarily be construed as agreement with the content. For example, since the courts have clearly stated that the state cannot deny funding for abortions when pregnancy services are funded, my administration will disregard that unconstitutional language even though I cannot veto it.

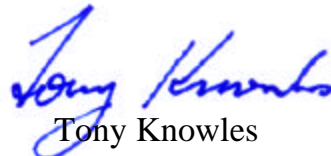
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There is a major constitutional issue relating to the language with which the legislature attempts to limit expenditures for abortions. The executive branch is already under court order in *State of Alaska, Dept. of Health & Social Services v. Planned Parenthood of Alaska* to operate the Medicaid program in a constitutional manner by paying for therapeutic or medically necessary abortions. I will abide by the decision of the court as to whether these abortions must be paid for in FY2003

Sincerely,



Tony Knowles
Governor